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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,104	02/27/2004	Jared Ross Van Orman	JV03-01	7677
7590 Angus C. Fox, III 4093 N. Imperial Way Provo, UT 84604-5386		08/09/2007	EXAMINER OMGBA, ESSAMA	
			ART UNIT 3726	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Office Action Summary	Application No. 10/789,104	Applicant(s) VAN ORMAN ET AL.	
	Examiner Essama Omgba	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 and 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8, 10-14, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Tizzi (US Patent 3,955,934).

With regards to claims 8, 11-14 and 23, AAPA teaches in figures 1-4 of applicant's specification, a method of manufacturing a bracelet, comprising the steps of: cutting a laminar metal strip **101** to a desired length and width, the laminar metal strip **101** having first and second parallel, opposed, generally planar major surfaces, coating at least the first major surface with a metal marking layer **201**, subjecting the coated piece of sheet metal **101** to a laser beam (figure 3), whereby heat generated by the laser beam causes selected regions of the metal marking layer **201** to form at least one ceramic design **301** that is adhered to at least the first major surface, removing all portions **302** of the marking layer that has not been treated by the laser beam and adhered to the first major surface, bending the metal strip **101** to form a bracelet having a general C-shaped side profile, and wherein the first and second major planar surfaces are transformed to curvilinear surfaces. Although AAPA does not specifically disclose the bending taking place after the marking step, however it is known to form a jewelry

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article by first marking a substrate with ornamental design and subsequently forming the jewelry article by bending the marked substrate as attested by Tizzi, see column 2, lines 18-38 and column 4, lines 59-66. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have bend the laminar strip of AAPA after laser marking, in light of the teachings of Tizzi, as is known in the art. Applicant should note that the specific materials of the marking layer claimed can be found on page 6, first full paragraph of Applicant's specification.

For claims 21 and 24, AAPA/Tizzi does not specifically disclose coating both sides of the metal strip. However, official notice is taken that it was well known to a person of ordinary skill in the art, at the time of the invention, to have coated both sides of a metal strip in order to create a bracelet that has a consistent design and color. Furthermore, the particular thickness of the coating is considered an obvious matter of design choice to a person of ordinary skill in the art, at the time of the invention, depending upon the desired coating material that is used. In addition, official notice is taken that the use of the claimed thicknesses are well known to a person of ordinary skill in the art.

3. Claims 9, 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Tizzi as applied to claim 8 above, and further in view of Robertson (US Patent 5,855,969).

For claims 9 and 22, AAPA/Tizzi teaches the invention cited above with the exception of specifically disclosing that the laser system moves in a Y-axis direction and moves in an X-axis direction as it directs energy on a planer major surface.

Robertson teaches a computer controlled **30** raster-scanning infrared energy emitting carbon dioxide laser system that scans in a Y-axis direction and moves in an X-axis direction as it directs energy on a planer major surface (see entire abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of AAPA/Tizzi with a laser system moves in a Y-axis direction and moves in an X-axis direction as it directs energy on a planer major surface, in light of the teachings of Robertson, in order to provide an accurate and automated laser marking system.

AAPA/Tizzi does not specifically disclose that the marking layer comprises titanium dioxide.

Robertson teaches using titanium dioxide (col. 5, line 52).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of AAPA/Tizzi with titanium dioxide in the marking layer, in light of the teachings of Robertson, in order to provide a material that effectively creates a marking when subjected to lasers.

For claim 10, it is inherent that a table is used under the metal strip shown in figure 3 during laser emission. Alternatively, the examiner submits that it is within the general knowledge of a person of ordinary skill in the art, at the time of the invention, to

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have provided a positioning table, in order to support the metal strip during laser processing.

4. Claims 25, 27 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Tizzi as applied to claim 8 above, and further in view of Barr (US Patent 5,586,390).

AAPA/Tizzi does not specifically disclose rounding any square corners.

Barr teaches rounding any square corners to form rounded ones **36,35**.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of AAPA/Tizzi with rounding any square corners, in light of the teachings of Barr, in order to provide a desired bracelet design.

AAPA/Tizzi does not specifically disclose coating both sides of the metal strip. However, official notice is taken that it was well known to a person of ordinary skill in the art, at the time of the invention, to have coated both sides of a metal strip in order to create a bracelet that has a consistent design and color.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Tizzi as applied to claim 8 above, and further in view of Shapiro (US Patent 1,634,562).

APA does not specifically disclose using rollers to bend the strip.

Shapiro teaches that it is known to use rollers **45,46** to bend (figure 11).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided rollers to bend the metal strip, in order to create a symmetrically shaped jewelry article.

6. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Tizzi/Barr as applied to claim 27 above, and further in view of Robertson.

AAPA/Tizzi/Barr teaches the invention cited above with the exception of specifically disclosing that the laser system moves in a Y-axis direction and moves in an X-axis direction as it directs energy on a planer major surface.

Robertson teaches a computer controlled **30** raster-scanning infrared energy emitting carbon dioxide laser system that scans in a Y-axis direction and moves in an X-axis direction as it directs energy on a planer major surface (see entire abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of AAPA/Tizzi/Barr with a laser system moves in a Y-axis direction and moves in an X-axis direction as it directs energy on a planer major surface, in light of the teachings of Robertson, in order to provide an accurate and automated laser marking system.

It is inherent that a table is used under the metal strip shown in figure 3 of AAPA during laser emission. Alternatively, official notice is taken that it was well known to a person of ordinary skill in the art, at the time of the invention, to have provided a positioning table, in order to support the metal strip during laser processing.

Response to Arguments

7. Applicant's arguments with respect to claims 8-14 and 21-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Essama Omgba', written over the printed name.

Essama Omgba
Primary Examiner
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eo
August 5, 2007